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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,856	07/09/2003	Keith Istvan Farkas	200312030-1	8159

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EXAMINER

ALMATRAHI, FARIS S

ART UNIT	PAPER NUMBER
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3627

NOTIFICATION DATE	DELIVERY MODE
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02/26/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/614,856	Applicant(s) FARKAS ET AL.	
	Examiner FARIS ALMATRAHI	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 13-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

1. **Claims 1-36** are pending in this application.
2. **Claims 13-36** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions II, there being no allowable generic or linking claim. Applicant traversed the restriction (election) requirement in the reply filed on January 7, 2008. The traversal is on the ground(s) that Inventions are not patentably distinct. Applicant also argues that Group I and Group II are improper because the claims of Group I and the Claims of Group II cannot be construed as being subcombinations with respect to each other because one group is directed to a system claims and the other group to a method, means-plus-function system and computer-readable medium. This is not found persuasive because Group I is directed to a system comprising an identification device, a reader device, means for identification, and a controller. The limitations disclosed in Group I are directed to a system that would carry out the function of the identification device, reader device, means for identification, and controller. Group II is directed to three independent claims consisting of systems and a method that discloses limitations directed to providing and positioning devices. Therefore Group I would be separately utilized as a system for carrying out the functionality of the disclosed devices and Group II would be separately utilized as a system and method for setting up disclosed devices. Species requirement is proper because applicant discloses three embodiments as detailed in restriction requirement.

Applicant also argues that the search and examination of all the claims can be made without serious burden on the examiner. This is not found persuasive because examiner needs to conduct a different field of search employing different search queries. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-12** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Claim 1** recite the limitations "means for identifying the locations of the identification devices" and "a controller configured to communicate with the reader device and compile the identification information received from the reader device and the locations of the identification devices to maintain an inventory of the components". There is insufficient antecedent basis for the limitation "the locations of the identification devices". Preceding limitations disclose an identification device and does not have any reference to identification devices. It is unclear as to what "identification devices" the applicant is referring to.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-10** are rejected under 35 U.S.C. 102(b) as being anticipated by Kleinschnitz (US Pat No. 5,546,315).

8. Regarding claim 1, Kleinschnitz discloses a system comprising: an identification device configured to communicate identification information relating to an associated component (Column 8 lines 12-29); a reader device configured to substantially autonomously receive the identification information from the identification device (Column 8 lines 12-29); means for identifying the locations of the identification devices (Column 4 lines 33-44); and a controller configured to communicate with the reader device and compile the identification information received from the reader device and the locations of the identification devices to maintain an inventory of the components (Column 8 lines 12-29, Column 9 lines 22-36).

9. Regarding claim 2, Kleinschnitz discloses a system further comprising: a memory accessible by said controller, wherein said controller is configured to store the identification information and the locations of the identification devices in the memory (Column 8 lines 12-29).

10. Regarding claim 3, Kleinschnitz discloses a system wherein the components comprise electronic devices for use in data centers (Abstract).
11. Regarding claim 4, Kleinschnitz discloses a system wherein the identification devices comprise labels affixable to the components, said labels having identifying indicia displayed thereon (Column 8 lines 12-29).
12. Regarding claim 5, Kleinschnitz discloses a system wherein the identifying indicia comprises at least one of text, barcode, or a display on a screen (Column 8 lines 12-29).
13. Regarding claim 6, Kleinschnitz discloses a system wherein the identification devices comprise relatively distinctive identifying characteristics, said characteristics comprising at least one of color, composition, and style (Column 8 lines 12-29, any physical identification device comprises characteristics of color, composition and style).
14. Regarding claim 7, Kleinschnitz discloses a system further comprising: a data transmitting device configured to transmit data to the identification devices; and wherein the identification devices comprise electronic apparatuses configured to receive data from the data transmitting device (Figure 4, Column 7 line 62 – Column 8 line 29).
15. Regarding claim 8, Kleinschnitz discloses a system wherein the reader device comprises at least one of an imaging device, an infrared reader, and an apparatus configured to wirelessly communicate with the identification devices (Column 8 lines 12-29, bar code reader reads on infrared reader).

16. Regarding claim 9, Kleinschnitz discloses a system wherein the reader device comprises an information gathering device located on at least one of a wall, ceiling, or floor of the room (Column 8 lines 12-38).

17. Regarding claim 10, Kleinschnitz discloses a system further comprising: a robotic device having a movable arm and being configured to travel through the room, wherein the reader device is attached to the movable arm of the robotic device (Column 3 lines 42-49).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. **Claims 11-12** are rejected under 35 U.S.C 103(a) as being unpatentable over Kleinschnitz (US Pat No. 5,546,315) in view of Sims et al. (US Pat No. 5,434,775).

20. Regarding Claim 11, Kleinschnitz fails to explicitly disclose a system wherein the means for identifying the locations of the identification devices comprises labels affixed at various positions of the room, said labels including indicia identifying the locations of the labels.

21. However, Sims discloses a system wherein the means for identifying the locations of the identification devices comprises labels affixed at various positions of the room, said labels including indicia identifying the locations of the labels (Abstract);

22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Sims in the device of Kleinschnitz reference to include a system wherein the means for identifying the locations of the identification devices comprises labels affixed at various positions of the room, said labels including indicia identifying the locations of the labels, for the advantage of tracking the locations of devices in stored in various areas (Sims, Column 1 lines 5-9).

23. Regarding Claim 12, Kleinschnitz fails to explicitly disclose a system wherein the means for identifying the locations of the identification devices comprises location aware devices configured to determine their locations with respect to other location aware devices and to a fixed reference point.

24. However, Sims discloses a system wherein the means for identifying the locations of the identification devices comprises location aware devices configured to determine their locations with respect to other location aware devices and to a fixed reference point (Abstract, Column 1 lines 50-66).

25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Sims in the device of Kleinschnitz reference to include a system wherein the means for identifying the locations of the identification devices comprises location aware devices configured to determine their locations with respect to other location aware devices and to a fixed reference point, for

the advantage of tracking the locations of devices in stored in various areas (Sims, Column 1 lines 5-9).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faris Almatrahi whose telephone number is (571) 270-3326. The examiner can normally be reached on Monday to Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Faris Almatrahi
Examiner
Art Unit 3627

FA

Application/Control Number: 10/614,856
Art Unit: 3627

Page 9